

### **REMARKS**

The Examiner is thanked for the due consideration given the application. Pages 3 and 4 of the specification have been amended to better show the relationship of stem-loop structures with sequence listings.

Claims 1-14 are pending in the application. The claims have been amended to improve their language. Support for the amendments to claim 2 can be found in the substitute specification at page 8, lines 5-18. Support for the amendments to claim 3 can be found in the substitute specification at page 13, lines 10-21. Claim 10 finds support in the substitute specification at pages 14-16 (Examples 15 and 16). Claims 11-14 include subject matter from the original claims, and claims 11-14 correspond to the elected invention. The Examiner has withdrawn claims 2 and 9 and SEQ ID NOs.: 1-24 and 26-28 from consideration.

No new matter is believed to be added to the application by this Amendment.

### **Rejection Under 35 U.S.C. §112, Second Paragraph**

Claims 1 and 3-8 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. This rejection is respectfully traversed.

At page 2 of the Office Action, the Examiner asserts that the claims do not conform with U.S. practice. The claims have been amended to conform with U.S. practice.

At page 3 of the Office Action, the Examiner asserts that it is not clear whether individual aptamers or groups of aptamers are being claimed. However, the claims have been amended to use alternative language that clarifies this point. Also, claim 3 has been amended to specifically set forth the correspondence between the stem-loop structures and the SEQ ID NO such that

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structure III corresponds to SEQ ID NO: 19 and structure IV corresponds to SEQ ID NO: 25 (see also claim 2). Claims 4 and 5 have been amended to clarify issues pertaining to homology and truncated sequences. Claim 7 has been amended to remove the limitation "under strict condition".

As a result, the claims are clear, definite and have full antecedent basis. This rejection is overcome and withdrawal thereof is respectfully requested.

**Issue Under 37 C.F.R. 1.821-1.825**

The Examiner asserts that the application is not in conformance with 37 C.F.R. 1.821-1.825 because the stem-loop structures set forth in claim 2 and 3 and described in pages 3 and 4 of the specification are not accompanied by the proper sequence identifier.

However, stem-loop structures I and II have been respectively associated with SEQ ID NO: 1 and SEQ ID NO: 5 at page 10 of the substitute specification. Stem-loop structures III and IV have been respectively associated with SEQ ID NO: 19 and SEQ ID NO: 25 at page 13 of the substitute specification. Also, pages 3 and 4 of the specification have been amended to better show the relationship of stem-loop structures with sequence listings. Claims 2 and 3 have also been amended to show the relationship of stem-loop structures with sequence listings.

Accordingly, the application is in full compliance with 37 C.F.R. 1.82(g).

### **Restriction/Election**

The Examiner has indicated that the present invention as embodied in SEQ ID NO: 25 is allowable over the prior art. As set forth in MPEP 803.04 and 2434, up to ten independent and distinct nucleotide species will be examined in a single application without restriction. In addition, those sequences which are patentably indistinct for the selected sequences will be examined in a single application without restriction. Further, it is noted all the sequences of the present invention are patentably indistinct because they all specifically bind to human tumor necrosis factor  $\alpha$  (TNF- $\alpha$ ). As a result, in light of the indication of allowable subject matter, there is no undue burden for the Examiner to rejoin all of the sequences of the present invention.

Also, withdrawn claim 2 and 9 depend upon claim 1, which contains allowable subject matter. As a result, claims 2 and 9 are instantly allowable.

Accordingly, the Examiner is respectfully requested to rejoin all the species and claims and place the application in condition for allowance.

### **Conclusion**

All the issues in the Office Action have been fully addressed. No issues remain. It is believed that a full and complete response has been made to the Office Action. In view of the above amendment, applicant believes the pending application is in condition for allowance. The Examiner is therefore respectfully requested to issue a Notice of Allowability.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner Reg. No.

42,593 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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